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In re Application of :
HALBIN et al. :
Application No.: 10/542,820 :
PCT No.: PCT/FR04/00130 :
Int. Filing Date: 21 January 2004 : DECISION
Priority Date: 21 January 2003 :
Attorney Docket No.: 17170/012001 :
For: METHOD OF MOUNTING A :
RETAINING RING ON AN ELECTRIC :
STARTER SHAFT COMPRISING A :
STARTER DRIVE ASSEMBLY AND :
CORRESPONDING STARTER :

This decision is issued in response to applicants' "Request for Corrected Filing Receipt" filed in the United States Patent and Trademark Office (USPTO) on 24 May 2006 and 27 March 2007.

BACKGROUND

On 20 July 2005, applicants timely filed a request to enter into the national stage under 35 U.S.C. 371 along with the appropriate basic national filing fee, a copy of the international application, and a preliminary amendment.

On 06 December 2005, the United States Designated/Elected Office mailed a Notification of Missing Requirements (PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge under 37 CFR 1.492(h).

On 20 December 2005, applicants filed a declaration and power of attorney.

On 29 March 2006, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/903) which set forth a 35 U.S.C. 371 completion date of 30 December 2005.

On 24 May 2006 and 27 March 2007, applicants filed the present request to correct the filing date to 20 December 2005. The request to correct the filing date included a copy of the Customer Receipt of the United States Postal Service "Express Mail" mailing label #EL710215583US.

DISCUSSION

On 24 May 2006 and 27 March 2007, applicants filed the present petition requesting that the filing date on the filing receipt be corrected to indicate the correct date on which the declaration was filed and on which the requirements under 35 U.S.C. 371 (c) were completed; i.e. 20 December 2005.

A copy of the Customer Copy of the "Express Mail" label No. #EL710215583US filed with the petition bears a "Date In" of 20 December 2005, and further information obtained from the United States Postal Service (USPS) Express Mail database shows that "EL710215583US" was accepted by the USPS on 20 December 2005. The same "Express Mail" label number was placed on the transmittal letter located in the application file.

Pursuant to 37 CFR 1.10 (c), the promptly presented evidence is convincing that the transmittal letter and executed declaration together with the other listed items on the transmittal letter were filed on 20 December 2005. Thus, the application met the requirements of 35 U.S.C. 371(c) and thus entered the national stage in the United States on 20 December 2005. Therefore, the indication of a filing date of 30 December 2005 on the NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 and the Official Filing Receipt are incorrect.

CONCLUSION

Applicants' request for issuance of a corrected Notification of Acceptance and Official Filing Receipt is **GRANTED**.

The Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/903) mailed on 29 March 2006 is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision, that is, for mailing of a NOTIFICATION OF ACCEPTANCE OF APPLICATION (Form PCT/DO/EO/903) which identifies a date of **20 December 2005** U.S.C. 371(c) and preparation and mailing of a corrected Filing Receipt in accordance with this decision, that is a filing receipt that identifies a filing date of **20 December 2005**.



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